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Intro

Today we will Be"H learn מסכת גיטין of ידף. Some of the topics we will learn about include:

בפני נכתב ובפני נחתם

The Gemara continues discussing the reasons why a messenger who arrives in Eretz Yisroel bearing a va needs to testify that the va was written and signed in his presence. The Gemara also explains why he is believed, even though we usually require two witnesses.

כתיבה וחתימה לשמה

The Gemara discusses whether both must be לשמה, or only one, either the writing or the signing of the גע must be לשמה. This issue depends on which of these the Pasuk וכתב לה ספר כריתות refers to. The Gemara seeks an opinion that BOTH the writing and the signing require לשמה.

קיום שטרות

If the authenticity of a document is challenged, the bearer must bring two witnesses to verify the validity of the signatures.

עד אחד נאמן באיסורין

A single witness may testify regarding most prohibitions. However, we require two witnesses for דבר שבערוה

Matters concerning marital or forbidden relationships, which includes matters pertaining to marriage and divorce.











בר כ

A גט that is attached to the ground is not valid. Either the writing or the signing must take place AFTER it is detached, and this also depends on how we interpret the pasuk.

ג' גיטין פסולין

The ברייתא lists several issues regarding the signatures or date of a מדרבנן that may invalidate it מדרבנן.

מזוייף מתוכו

A forged or improper signature will invalidate a varegardless of whether the signature was necessary in the first place.









So let's review...

The Gemara in the previous Daf brought two reasons for why a messenger bringing a גט to Eretz Yisroel must say בפני נכתב ובפני נחתם:

says רבה

לשמה לפי שאין בקיאין לשמה, to ensure that it was written לשמה, לשמה says

לפי שאין עדים מצויין לקיימו, to ensure that the husband cannot challenge its authenticity at a future date.

The Gemara there explained that the reason the testimony of the שליח - who is merely one witness - is accepted, cannot be because of the principle of

עד אחד נאמן באיסורין - As regarding ordinary prohibitions, one witness IS believed –

Because here it is

איתחזק איסורא

This is a previously established prohibition of אשת איש; and a

דבר שבערוה

This is a matter of marital status, and so should require two witnesses?

Therefore, the Gemara explained according to רבה, that one witness suffices to confirm that the גע was written לשמה, because

רוב בקיאין הן

Most people are aware that a לשמה must be לשמה; and the testimony of בפני נכתב ובפני נחתם is not required; it is only מדרבנן;

והכא משום עיגונא אקילו בה רבנן

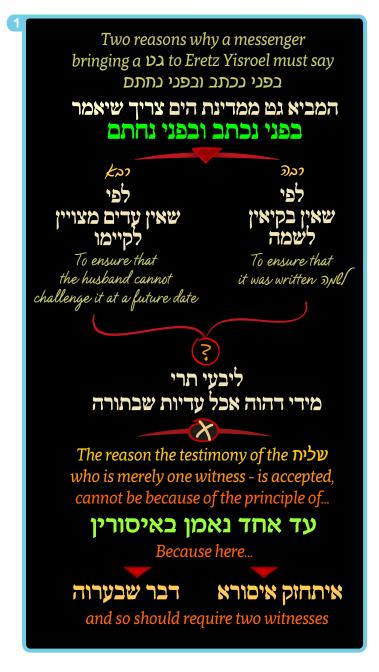
The Chachamim were lenient and relied on עד אחד.

The Gemara now addresses the same question according to ברבא's opinion:

לרבא ליבעי תרי

מידי דהוי אקיום שטרות דעלמא

We usually require two witnesses to verify a document's authenticity?





Dedicated By:





The Gemara similarly explains that authenticating documents is NOT required at all מדאורייתא, because אמר ריש לקיש

עדים החתומים על השטר

נעשו כמי שנחקרה עדותן בב"ד

Signatures on a document do not require further verification, since, as רש"י explains,

לא חציף איניש לזיופי

Most people do not have the audacity to forge documents. Rather,

רבנן הוא דאצרוך

והכא משום עיגונא אקילו בה רבנן

The requirement to verify the signatures is a special stringency enacted by the הכמים. Therefore, they were lenient and relied on one witness, in order to avoid a situation where the woman will not locate two witnesses to verify, and will be unable to remarry.

The Gemara now questions its assumption that accepting a single witness is a leniency:

האי קולא הוא

חומרא הוא

This might result in a stringency, because

דאי מצרכת ליה תרי

לא אתי בעל מערער ופסיל ליה

חד אתי בעל ומערער ופסיל ליה

When two witnesses testify, the husband cannot later challenge them. However, if only one witness testifies, the husband can still contest the va?



The Gemara answers that since

בפני כמה נותנו לה

'חד אמר בפני ב

חד אמר בפני ג'

He must declare בפני נכתב publically, in the presence of either two or three individuals,

מעיקרא מידק דייק

ולא אתי לאורועי נפשיה

The messenger will be especially cautious, and will only accept the א if he is sure it was written לשמה, and that the husband truly desires to divorce her and will not contest the א. Rashi adds

ואי נמי עורר אינו נאמן

דודאי דק במילתא שפיר

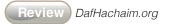
This assumption allows us to disregard the husband's subsequent challenge.

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The Gemara now addresses why each מאן דאמר rejects the other's reason:

רבא מאי טעמא לא אמר כרבה?

Because,

מי קתני בפני נכתב לשמה

רבא argues that if we were concerned whether the עט was written לשמה, we should require the messenger to state explicitly ? Clearly, we are only concerned with the document's authenticity.

responds רבה

דאי מפשת ליה דיבורא אתי למגזייה

If his statement is too lengthy, he may mistakenly omit the word לשמה; therefore, it is safer to have him say בפני נכתב, and we can then ask him if it was written.

However, he will not err in the statement בפני נכתב, because

because

חדא מתלת גאיז

חדא מתרי לא גאיז

He might omit one word out of three; however, he would not mistakenly omit one word out of two.

The Gemara then turns to רבה's opinion:

רבה מאי טעמא לא אמר כרבא?

Because,

ניתני בפני נחתם ותו לא

בפני נכתב למה לי

It should suffice to say בפני נחתם, thereby testifying about the signatures; why does he need to testify about the writing as well? Clearly, we are concerned whether the document was written לשמה.

However, רבא responds

א"כ אתי לאיחלופי

בקיום שטרות דעלמא בעד אחד

The additional statement בפני נכתב serves to differentiate this testimony from the usual process of validating documents, where one witness does NOT suffice.





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The Gemara now asks according to הבה, why require him to say both בפני נכתב AND בפני נחתם? It should suffice to say thereby testifying about; why does he need to testify about the signatures as well?

מאן האי תנא

דבעי כתיבה לשמה

ובעי חתימה לשמה

Apparently, we require the א to be both written and signed לשמה, and therefore the messenger must testify to both. The Gemara tries to ascertain whether there is indeed such an opinion:

This question depends on how we interpret the Pasuk וכתב לה ספר כריתות

The Gemara now demonstrates that וכתב, which must be done לשמה, may refer to

כתיבה, the writing-

Which seems to be the opinion of רבי מאיר in a later Mishnah - or

- גט the signing of the, חתימה

Which seems to be the opinion of רבי אלעזר in a later Mishnah?

But, apparently does not refer to both?

הבי מאיר says אין כותבין במחובר לקרקע

A KM may not be written on something that is attached to the ground;

כתבו על המחובר לקרקע תלשו חתמו ונתנו לה כשר

If it WAS written on such an object, but was then detached before it was signed, the vais valid.

Now, "מרב explains that this Halachah is based on the requirement of וכתב ונתן, that there should not be any necessary step, such as detaching the גע, between the מאיר and the בחים. Since רבי מאיר says that it is only vital that it be SIGNED after it is detached, he clearly understands that the term וכתב refers to the החימה; therefore,

חתימה בעי

כתיבה לא בעי

The signatures must be לשמה, but the writing does NOT require לשמה.

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On the other hand, רבי אלעזר only requires כתיבה לשמה, as we see from the following ברייתא: ג' גיטין פסולין ואם ניסת הולד כשר כשר כשר

There are three types of גיטין that are invalid לכתחילה only לכתחילה; but, בדיעבד if they were used, children from a subsequent marriage are legitimate:

1

כתב בכתב ידו ואין עליו עדים

If it is written in the husband's handwriting, but not signed by witnesses,

2.

יש עליו עדים ואין בו זמן

It was signed, but not dated,

3.

יש בו זמן ואין בו אלא עד אחד

It is dated, but only signed by one witness.

However, רבי אלעזר disagrees:

אף על פי שאין עליו עדים

אלא שנתנו לה בפני עדים כשר

The witnesses do not need to sign the גע; rather, as long as it was given in their presence, the גע is valid;

שאין העדים חותמים על השטר

אלא מפני תיקון העולם

The witnesses only sign the xx in case they will not be available later if the xx is contested.

Clearly, רבי אלעזר holds that וכתב refers only to the writing of the א: therefore,

כתיבה בעי

חתימה לא בעי

He only requires the writing to be לשמה; however, it does NOT need to be signed לשמה.









The Gemara on the next Daf offers two תנאים who may hold that

כתיבה וחתימה לשמה

1.

כי לא בעי רבי אלעזר חתימה לשמה היכא דליכא עדים כלל

היכא דאיכא עדים בעי

רבי אלעזר indeed does not require signatures. However, if the witnesses DO sign, it must be לשמה, because מודה רבי אלעזר

במזוייף מתוכו שהוא פסול

רבי אלעזר agrees that forged signatures invalidate the גט.

2.

הא מני רבי יהודה היא

Who disagrees with רבי מאיר regarding - גט במחובר -

רבי יהודה פוסל

עד שתהא כתיבתו וחתימתו בתלוש

maintains that the גט must be written AND signed after it is detached from the ground.





